

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
GIBSON AND CUSHMAN DREDGING COMPANY LLC,

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.
-----X

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ MAY 31 2005 ★
BROOKLYN OFFICE

JUDGMENT

04-CV-4778 (JBW)(ETB)

On May 5, 2005, the United States' Motion to Dismiss, on the grounds that the cause of action set forth therein is not ripe for adjudication, and the plaintiff's Cross-Motion for Partial Summary Judgment, establishing defendant's liability, came on for hearing by the Court. Having reviewed the submissions and argument of counsel, the Court orally DENIED the plaintiff's Cross-Motion for Partial Summary Judgment and GRANTED the United States' Motion to Dismiss. In accordance with those orders,

IT IS ADJUDGED that this action is dismissed, without prejudice, without costs, and may be reinstated, with the same index number, by plaintiff when the underlying case, Verizon New York v. Gibson and Cushman, Index No. 13127-04, Supreme Court, County of Suffolk has been concluded.

SO ORDERED:

Dated: Brooklyn, New York
May 9, 2005

JACK B. WEINSTEIN
Senior District Judge

gl



U.S. Department of Justice

Civil Division

SRCampbell:skd

Telephone: (202) 616-4026

Facsimile: (202) 616-4002

Post Office Box 14271

Washington, D.C. 20044-4271

May 6, 2005

SENT VIA FEDEX

(718) 260-2520

Chambers of the
Honorable Jack B. Weinstein
Senior Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East, Room 651
Brooklyn, NY 11201

FAD
5/9/05

Re: *Gibson & Cushman Dredging Co. LLC v. USA*
USDC, E.D.N.Y. Civ. No. 1:04-cv-4778-JBW-ETB
DJ # 61-52-809

Dear Judge Weinstein:

As you requested, enclosed is the Judgment for your signature in the referenced case. Counsel for plaintiff has reviewed it and has no objections to its issuance.

Respectfully submitted,

STEPHEN R. CAMPBELL

Trial Attorney

Aviation/Admiralty Section
Civil Division, Torts Branch

Enclosure

cc: *w/enclosure*
Mr. Craig S. English
KENNEDY LILLIS SCHMIDT & ENGLISH
75 Maiden Lane, Suite 402
New York, New York 10038-4635